

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

ORIGINAL

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SUSAN S. VIGEN,

Plaintiff,

v.

AFLAC INCORPORATED,

Defendant.

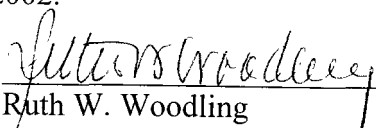
Civil Action File No.
4:02-CV-118-1

MOTION TO DISMISS COUNT II OF THE COMPLAINT

Defendant AFLAC, Inc. (hereinafter "AFLAC"), through undersigned counsel and pursuant to Federal Rule of Civil Procedure 12(b), respectfully moves the Court to dismiss certain claims asserted in Plaintiff's Complaint. Specifically, AFLAC moves to dismiss Count II of the Complaint in its entirety. As explained in more detail in the accompanying memorandum of law, Plaintiff fails to state a claim for retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, because Plaintiff alleges only age and disability discrimination and Title VII does not cover such discrimination.

WHEREFORE, Defendant AFLAC respectfully moves the Court to dismiss with prejudice Count II of the Complaint in its entirety and enter judgment on those claims in favor of Defendant.

Respectfully submitted this 21st day of August, 2002.


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